

New Jersey Law Journal

STATEWIDE LEGAL AUTHORITY SINCE 1878

VOL. CXC – NO. 12 – INDEX 1033

DECEMBER 17, 2007

ALM

Suits & Deals

Suit Over Highway Crash Caused by Aggressive Driver Settles for \$5M

Spielman v. Wilderman: A woman who shattered her ankles in a collision agreed to a \$5 million settlement on Dec. 11.

The accident occurred March 21, 2006, on Route 70 in Southampton when Patricia Spielman, of Forked River, was a passenger in a westbound car driven by Roseann Meszaros, of Lanoka Harbor.

Barry Wilderman of Voorhees, driving east, veered across the yellow line while passing and hit the front of Meszaros' car on the passenger side, says **John Voynick Jr.**, who represents Spielman and her husband Michael.

Right before the accident, state police had received telephone calls about aggressive driving by Wilderman, says Voynick, of **Renda & Voynick** in Cedar Grove.

Spielman's ankles were so badly crushed, with multiple compound and comminuted fractures, that amputation was considered, says Voynick. She

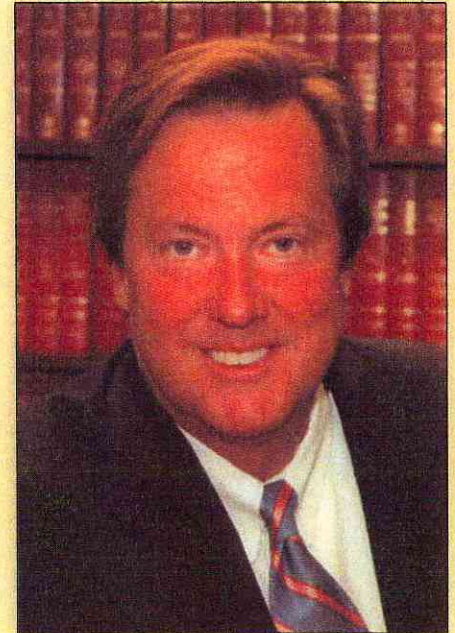
also broke her right elbow and shoulder, her sternum and two ribs.

She was in the hospital until April 7 and then spent three months in rehabilitation. Multiple surgeries, through May 2007, rebuilt and partially fused her ankles. Among other hardware, her left ankle contains a plate and screws, her left foot two pins, her right ankle two screws and a pin, her right shoulder a plate and screws and her right elbow three pins.

Bone was grafted from her right hip into her right ankle. For a while, she wore an external ankle fixator and used a walker. She developed a staph infection in her wounds.

Now 59, Spielman cannot flex her ankles, walks stiffly with a cane and has poor balance. There is audible grinding in her right elbow and she has a reduced range of motion in her right shoulder and elbow.

Spielman was diagnosed with post-traumatic stress disorder and



takes medication for depression and anxiety. Accompanying cognitive impairment affects her memory concentration, comprehension and sleep. She is being weaned off a pain patch containing duragesic.

The plaintiff's expert assessed economic loss of \$1.331 million, including \$850,000 for a life-care plan, plus lost wages because she was unable to return to her job as a preschool teacher.

Voynick settled directly with Wilderman's carrier, United Services Automobile Association of San Antonio, under a \$300,000 primary policy and a \$5 million excess policy.

— *By Mary Pat Gallagher*